

KATHY A. DOCKERY
CHAPTER 13 TRUSTEE
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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

IN RE:

ERIC EUGENE FLEWELLEN

Case No: 2:25-12558-DS

CHAPTER 13

**TRUSTEE'S OBJECTIONS TO PLAN CONFIRMATION;
DECLARATION IN SUPPORT THEREOF; AND NOTICE
RE: EFFECT OF FAILURE TO APPEAR AT
CONFIRMATION HEARING**

DEBTOR(S).

DATE: May 22, 2025
TIME: 1:30 pm
PLACE: ROYBAL BUILDING
255 EAST TEMPLE STREET
Courtroom 1639 - 16th Floor
LOS ANGELES, CA 90012

TO THE HONORABLE DEBORAH J. SALTZMAN, UNITED STATES BANKRUPTCY JUDGE, THE
DEBTOR AND ALL PARTIES IN INTEREST:

The Chapter 13 Standing Trustee (the "Trustee") hereby objects to confirmation of the plan in that the Debtor(s) has failed to meet all of the mandatory requirements set forth under 11 U.S.C. §1325. The Trustee's Objections are set forth in detail in Exhibit "A" of the attached Declaration in Support of the Trustee's Objections to Confirmation. The Objections are based on information as known to the Trustee as of the §341(a) Meeting of Creditors (The "Meeting"). The Trustee reserves the right to raise additional objections.

Unless otherwise specified at the Meeting, the Trustee requests that the debtor(s) provide any new or amended documents no later than five days after the Meeting. Pursuant to 11 U.S.C. §521(3), the debtor(s) is required to cooperate with the Trustee.

**THE FAILURE OF THE DEBTOR(S) OR THE ATTORNEY FOR DEBTOR(S), TO APPEAR AT THE
CONFIRMATION HEARING IS CAUSE FOR DISMISSAL OR CONVERSION OF THE CASE UNLESS**

THE DEBTOR(S) OR THE ATTORNEY FOR DEBTOR(S) IS EXCUSED BY THE TRUSTEE OR BY A COURT ORDER PURSUANT TO L.B.R. 3015-1(d).

THE DEBTOR(S) AND ATTORNEY FOR DEBTOR(S), IF ANY, ARE ALSO ADVISED THAT THE CASE MAY BE DISMISSED OR CONVERTED AT THE CONFIRMATION HEARING IF ALL PLAN PAYMENTS AND THE DECLARATION SETTING FORTH POST-PETITION PRECONFIRMATION DEED OF TRUST PAYMENTS (OFFICIAL FORM F3015-1.4) ARE NOT TENDERED TO THE TRUSTEE PRIOR TO THE DULY NOTICED HEARING TIME.

WHEREFORE, the Standing Trustee respectfully requests that confirmation of the plan be denied.

DATED: 5/2/2025



KATHY A. DOCKERY, Chapter 13 Trustee

DECLARATION OF KATHY A. DOCKERY

I, Kathy A. Dockery, declare as follows:

1. I am the standing Chapter 13 Trustee in this matter and by virtue thereof, I have personal knowledge of files and records kept by my office in the regular course of business. I have personally reviewed the files and records kept by my office in the within case. The following facts are true and correct and within my own personal knowledge and I could and would testify competently thereto if called to do so.
2. The Trustee objects to confirmation of the proposed Plan due to the following deficiencies all of which existed prior to or at the time of the §341(a) Meeting(s) held in this matter. A true and correct copy of the Trustee's Objections in this matter is attached hereto and incorporated herein by reference as Exhibit "A".
3. The Debtor(s) is requested to provide the documents and information set forth in Exhibit "A".

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 5/2/2025



KATHY A. DOCKERY, Chapter 13 Trustee

Trustee Objections**The Plan**

- 1 The Trustee requests that the Debtor's(s') proposed plan provide for the issuance of a payroll deduction order without further court order upon the Debtor becoming delinquent by two or more plan payments. The Debtor is also requested to check off the box in Part 1) 1.4 of the Plan to say "included" for other non-standard provisions. The Debtor has a duty to cooperate with the Trustee. See 11 U.S.C. §521(3) and F.R.B.P. 4002(4).

Amendment or Documentation Requested :

Amended Plan

- 2 The Debtor(s) has failed to file and serve the plan using "mandatory notice" form 3015-1.02.341.CNFRM. The mandatory notice form must be filed and served 14 days prior to the 341(a) Meeting of creditors. The Debtor is requested to serve the plan using the mandatory notice form within 24 hours of conclusion of the 341(a) Meeting of Creditors and waive all objections to late filed and served objections to confirmation of the plan. The Debtor has a duty to cooperate with the Trustee. See 11 U.S.C. §521(3) and F.R.B.P. 4002(4).

Amendment or Documentation Requested :

MANDATORY FORM 3015-1.02.341.CNFRM USING THE CONFIRMATION DATE AS DEADLINE DATE FOR OBJECTION

- 3 The debtor's plan is infeasible due to insufficient monthly net income as disclosed on Schedule J , Line 23c to make the proposed monthly plan payment. See 11 U.S.C. § 1325(a)(6). The question of feasibility is fact-specific and dependent upon evidence submitted by the debtor. In re Welsh, 2003 WL 25273855, at *3 (Bankr.D.Idaho Feb. 26, 2003).

Amendment or Documentation Requested :

AMENDED SCHEDULE I

AMENDED SCHEDULE J

AMENDED PLAN

PROOF OF INCOME

- 4 The Plan fails to provide a dividend at least equal to what a class five creditor would receive in a chapter 7 bankruptcy due to the fair market value of the Debtor's real and personal property. 11 U.S.C. § 1325(a)(4).

Amendment or Documentation Requested :

AMENDED PLAN

- 5 The debtor(s) is required to complete, sign, and upload the Tax Refund Compliance Statement, which is available in the Attorney Portal at LATRUSTEE.COM. This statement must be signed by the debtor and uploaded to LATRUSTEE.COM no later than 14 days before the Confirmation Hearing. The Debtor has a duty to cooperate with the Trustee. See 11 U.S.C. §521(a)(3) and F.R.B.P. 4002(a)(4).

Amendment or Documentation Requested :

Tax Refund Compliance Statement

Income (Schedule I)

- 6 The Debtor(s) is requested to provide a copy of the 2023 or 2024(if filed) Federal and State Income Tax Returns. The Debtor has a duty to cooperate with the Trustee. See 11 U.S.C. §521(3) and F.R.B.P. 4002(4). The Debtor has the burden of proof for plan confirmation. See In re: Huerta 137 B.R. 356, 365 (Bkrtcy.C.D.Cal., 1992), In re: Wolff 22 B.R. 510, 512 (9th Cir. BAP (Cal.) 1982), In re: Hill 268 B.R. 548, 552 (9th Cir. BAP (Cal.), 2001).

Amendment or Documentation Requested :

TAX RETURNS

Expenses (Schedule J)

- 7 The Debtor is requested to provide a copy of the most recent mortgage statement that reflects the:

- Monthly Payment Amount
- Full Account Number
- Payment Address

The Debtor has a duty to cooperate with the Trustee. See 11 U.S.C. §521(3) and F.R.B.P. 4002(4). The Debtor has the burden of proof for plan confirmation. See In re: Hill 268 B.R. 548, 552 (9th Cir. BAP (Cal.), 2001).

Amendment or Documentation Requested :

Mortgage Statement

Miscellaneous Objections

- 8** The Debtor(s) is requested to provide a declaration regarding: Filing of Tax Returns and Payment of Domestic Support Obligations (Form 3015-1.8.Dec.Tax.Dso). The Debtor has a duty to cooperate with the Trustee. See 11 U.S.C. §521(3) and F.R.B.P. 4002(4).

Amendment or Documentation Requested :

TAX /DSO DECLARATION

- 9** The Debtor(s) is requested to provide appropriate evidence of all required plan payments which have come due prior to the date and time of the scheduled confirmation hearing pursuant to the Trustee's policy and Local Bankruptcy Rules 3015-1(k) et seq. and 3015-1(m) et seq.

The debtor(s) must submit relevant evidence of electronic payments made via TFS prior to the confirmation hearing. **A scheduled future electronic payment is insufficient evidence to prove that the debtor(s) is current on plan payments.**

Failure to timely submit plan payments including electronic payments may be cause for dismissal or conversion of the case to a case under chapter 7 pursuant to 11 U.S.C. Section 1307(c) and Local Bankruptcy Rule 3015-1(k)(4) and 3015-1(m)(8).

Amendment or Documentation Requested :

Evidence of TFS Payments with date of the transaction

- 10** The Debtor(s) is requested to complete, sign and upload the document(s) listed below to LATRUSTEE.COM at least 14 days prior to the Confirmation Hearing. The Debtor has a duty to cooperate with the Trustee. See 11 U.S.C. §521(a)(3) and F.R.B.P. 4002(a)(4).

Third Party Authorization

Domestic Support Obligation